

DEC 03 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s): KULVIR SINGH BHOGAL, ET AL.
Assignee: International Business Machines Corporation
Title: AUTOMATIC DOWNLOAD OF WEB CONTENT IN RESPONSE TO AN
EMBEDDED LINK IN AN ELECTRONIC MAIL MESSAGE
Serial No.: 09/876,118 Examiner: Swearingen, Jeffrey R.
Filing Date: June 7, 2001 Group Art Unit: 2145
Docket No.: AUS920010352US1 Confirmation No.: 1243
Customer No.: 32329

SUPPLMENTAL/AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37(D)

MAIL STOP APPEAL BRIEF-PATENTS
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Sir:

This paper is being submitted in response to the Notification of Non-Compliant Appeal Brief having a mailing date of October 1, 2007 and a shortened statutory period for response set to expire on November 1, 2007, extended to December 3, 2007 (December 1, 2007 being a Saturday). As indicated in the attached supplemental remarks section, Appellants submit that the indicated Notification was sent in error and consequently that no reply, and no extension of time, is necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application and credit any overpayment to IBM CORPORATION DEPOSIT ACCOUNT No. 09-0447.

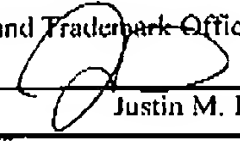
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

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12/3/2007
Date


Justin M. Dillon

Application Serial No. 09/876,118
Supplemental Appeal Brief under 37 C.F.R. §41.37

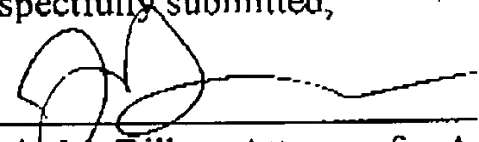
SUPPLEMENTAL REMARKS

In the present Notification of Non-Compliant Appeal Brief, patent appeal center specialist Tracey Young indicated that,

The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters; and/or does not identify the structure, material, or acts described in the specification as corresponding to each claimed function for every means plus function and step plus function for each independent claim involved in the appeal and for each dependent claim argued separately by reference to the specification by page and line number, and to the drawing, if any, by reference characters, as required by 37 CFR 41.37(c)(1)(v).[1]

Appellants note however that in the most recent Supplemental Examiner's Answer, having a mailing date of September 20, 2007 (a copy of the relevant portions of which are attached hereto) Examiner Jeffrey R. Swearingen indicates, "(5) Summary of Claimed Subject Matter The summary of claimed subject matter contained in the brief is correct." Appellants respectfully submit therefore that, as the Examiner has admitted that the Summary of the Claimed Subject Matter is sufficient for purposes of appeal that the Notification of Non-Compliant Appeal Brief is in error and should be withdrawn. Notwithstanding Appellants position that the present Notification was issued in error, Appellants have herewith submitted a replacement/supplemental Summary of the Claimed Subject Matter appeal brief section which more specifically indicates the structure, material, or acts described in the specification corresponding to each claimed function or element set forth in Appellants' claims 5 and 9 in an attempt to address Specialist Young's noted objection to Appellants' already-accepted brief. In light of the amendments and remarks made herein, Appellants submit that the present Appeal Brief as amended, has addressed all issues of non-compliance indicated in the above-identified Notification and is in proper condition for consideration by the Board of Patent Appeals and Interferences.

Respectfully submitted,


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Supplemental Appeal Brief under 37 C.F.R. §41.37

SUMMARY OF CLAIMED SUBJECT MATTER

Appellants provide the following concise summary of the claimed subject matter on appeal according to 37 CFR § 41.37(c)(1)(vii), including references to the specification by page and line number and to the drawings, if any, by reference characters.

The presently-claimed invention is directed to a method, system and program product for improving the handling of e-mail messages containing hypertext links (or hyperlink) to web content. E-mail messages may be sent from one computer user to another and may contain text and a hypertext link to content stored on the World Wide Web (or simply, Web) (Specification, page 1, lines 37-39 and lines 20-26). Current e-mail systems allow the user to request display of linked content by selecting the hypertext link but the user must wait while the content is located and downloaded to the user's computer (page 1, line 40 -- page 2, line 9).

Claim 1 is directed to a method for delivering Web content within the body section of an e-mail message in a distributed computer system with a server (Fig. 1, 22, 26 and Fig. 3, 80) and a client (Fig. 1, 20, 30a, 30b, 30c and Fig. 3, 32). The server (Fig. 3, 80) receives a mail message containing at least one hyperlink (page 8, lines 35-42, Fig. 4, 402). The server downloads (Fig. 4, 404) the Web content associated with the hyperlink into the message store (Fig. 3, 94) at the server. Finally, the mail message is transmitted to the client (Fig. 3, 32) with both the message text and the Web content corresponding to the hyperlink (page 9, lines 1-6, Fig. 4, 408). With this method, the client does not need to wait for the hyperlink to be accessed and downloaded since the Web content has already been located and is transmitted with the message (page 9, lines 1-6).

The second claim builds on this system by recognizing, at the server (80), when a hyperlink is common among several mail messages (page 9, 11-15, Fig. 5, 504). The first reference to a hyperlink will cause the Web content to be downloaded and stored in the server message store (94), (Fig. 5, 512). When a common hyperlink is recognized (504), each incoming mail message with the common hyperlink is tagged (Fig. 5, 506) with a reference to the message store. When the tagged mail message is sent to the client (32) (Fig. 5, 508), the hyperlink is parsed and the Web content is either sent with the message or maintained as a link on the local server (Fig. 5, 510) (page 9, 16-26).

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Claim 3 describes the process for detecting whether the referenced Web content exceeds a predetermined size, and, if so, compressing the Web content at the server (page 9, 32-25).

Claim 4 detects whether the client has established a preset time for downloading messages containing Web content (page 10, lines 2-6) and, if so, downloading the Web content and caching the message and Web content at the server (80) until the preset time (page 10, 6-10).

Claims 5-8 are directed to a distributed computer system (Fig. 1) with means for carrying out the method or processes of claims 1-4.

More specifically, Claim 5 is directed to a distributed computer system including a server (Fig. 1, 22, 26 and Fig. 3, 80) and a client (Fig. 1, 20, 30a, 30b, 30c and Fig. 3, 32), the server including a message store (Fig. 3, 94), for delivering Web content within a body section of electronic mail messages (page 8, lines 35-42, Fig. 4, 402). The claimed computer system of Claim 5 additionally recites means (e.g., Fig. 2, 34, 90, 88; Fig. 3, 92) for receiving at a server, at least one mail message containing an embedded hyperlink (page 8, lines 35-42; Fig. 4, 402); means (e.g., Fig. 2, 34, 90, 88; Fig. 3, 92) for downloading Web content associated with the hyperlink into the message store (Fig. 3, 94) at the server (Fig. 4, 404) and means (e.g., Fig. 2, 34, 64, 90, 88; Fig. 3, 92) for transmitting the mail message and the corresponding Web content (page 9, lines 1-6, Fig. 4, 408) for display at the client (Fig. 3, 32).

Claims 9-12 are directed to a computer program product (discussed on page 3, lines 25-30) for performing the methods or processes of claims 1-4.

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More specifically, Claim 9 is directed to a computer program product having computer code on a computer readable medium for delivering Web content within a body section of electronic mail messages (page 3, lines 25-30). The claimed computer program product of Claim 9 additionally recites instructions for receiving at a server (Fig. 3, 80), at least one mail message containing an embedded hyperlink (page 8, lines 35-42, Fig. 4, 402); instructions for downloading (Fig. 4, 404) Web content associated with the hyperlink into the message store (Fig. 3, 94) at the server; and instructions for transmitting the mail message and the corresponding Web content (page 9, lines 1-6, Fig. 4, 408) for display at the client (Fig. 3, 32).

All references to the specification identify descriptions and discussions that are part of the detailed descriptions of exemplary embodiments of the present invention in the present application. Such descriptions and discussions are not limitations of the claims in the present application. The only limitations of the claims are set forth in the claims themselves.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,118	06/07/2001	Kulvir Singh Bhugat	AUS9200010352US1	1243

7390 Cynthia S. Byrd IBM Corporation 11400 Burnet Rd. Austin, TX 78758-5884	09/20/2007
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EXAMINER	
SWEARINGEN, JEFFREY R	

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
09/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/876,118
Filing Date: June 07, 2001
Appellant(s): BHOGAL ET AL.

MAILED

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Technology Center 2100

Mark S. Walker
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the supplemental appeal brief filed 6/7/2006 appealing from the Office action mailed 6/2/2005.

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Art Unit: 2145

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,903,723

Beck et al.

5-1999